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PLEASE RESPOND TO WAYNE

DIAL DIRECT (610) 293-4975

August 16, 1995

The Honorable W. Michael McCabe
Regional Administrator
U.S. EPA, Region III
841 Chestnut Building
Philadelphia, PA 19107

Re: AIW Frank/Mid-County Mustang Superfund Site,
Chester County, Pennsylvania; Comments on Proposed Plan

Dear Mr. McCabe:

We are writing on behalf of our clients, Lewis and Ruth Frame, to submit comments on U.S. EPA's Proposed Remedial Action Plan ("Proposed Plan") and supporting Remedial Investigation/Feasibility Study ("RI/FS") for the AIW Frank/Mid-County Mustang Superfund Site located in Chester County, Pennsylvania (the "Site"). Included herewith are technical comments prepared by our technical consultants, Dwight D. Worley of DAD Environmental Consultants, Inc. and Wayne F. Downey, Jr. of Aegeans, Inc.

We have carefully reviewed the Proposed Plan, RI/FS and administrative record for this Site and have concluded that EPA's proposed selection of a groundwater extraction, treatment and discharge remedy for this Site may be impracticable, and is arbitrary and capricious. The following comments, along with our technical consultants' comments, form the basis for our conclusion.

I. EPA's proposed decision to extract, treat and discharge contaminated groundwater at the Site into West Valley Creek may be impracticable, and is arbitrary, capricious, an abuse of discretion, not in accordance with law, and unsupported by the evidence in EPA's administrative record.

a. Provision of public water to the 12 residences and businesses affected or potentially affected by groundwater contamination eliminates the need for a groundwater extraction, treatment and discharge system.

The RI/FS makes clear that the risk posed by the groundwater contamination at the Site is derived from persons associated with 12 residences and businesses using private wells affected or potentially affected by contaminated groundwater (hereinafter

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referred to as the "affected residences"). Most of these affected residences are already using bottled water or carbon filtration units to alleviate the risk of exposure. To completely eliminate the risk, EPA has wisely proposed to extend the existing public water supply lines to these affected residences. By doing so, we no longer see the need for a groundwater extraction, treatment and discharge system.

We understand that EPA is concerned about possible migration of contaminated groundwater to the public water supply wells down-gradient of the plume. The likelihood of such migration is slim, however, because the RI/FS and Proposed Plan reveal that the levels and areal extent of contamination appear to be diminishing, and that the contamination is receding and moving away from the public water supply wells. Moreover, even if this trend were to reverse, the migrated contamination could be readily detected through monitoring and treated at the public water station prior to distribution to users.

Faced with the incredibly high costs of groundwater extraction and treatment systems that operate for 30 years or more with often times limited results, it is our understanding that EPA Region III has on several occasions chosen to simply install or extend public water lines to affected residents at other Superfund sites, rather than extract and treat groundwater. It is unclear to us why this particular Site has been given different treatment.

Given the above, we see no rational nexus between the risk posed by the contaminated groundwater at the Site and the installation of a groundwater extraction, treatment and discharge system, assuming public water is supplied to the 12 affected residences.

b. <u>EPA has not properly identified the source of groundwater contamination at the Site.</u>

After spending over $1 million in studies, it is obvious that EPA has not identified the source of the groundwater contamination. Indeed, EPA's 1986 investigation into the matter produced inconclusive results. Nevertheless, the determination of the source of contamination is fundamental to the cleanup decision-making process. EPA speculates that operations at both the AIW Frank property and the Mid-County Mustang property may have caused the groundwater contamination, yet EPA failed to sample for and

investigate widespread solvent disposal on the former Autocar property across the street, as well as other nearby commercial properties.

c. EPA's risk assessment in the RI/FS concerning the groundwater contamination at the Site is called into question by certain internal EPA and ATSDR doscuments.

Both the U.S. EPA Region III Superfund Removal Program and the U.S. Agency for Toxic Substances and Disease Registry ("ATSDR") have expressed doubts regarding the risk posed to the affected residences by groundwater contamination at the Site. Our review of the administrative record shows that, in 1992, Superfund Remedial Project Manager Lisa Nichols attempted to convince the EPA Superfund Removal Program to conduct response actions addressing groundwater contamination at the Site. After consulting with ATSDR on the issue of health risks posed to the affected residences, the EPA Removal Program determined that the risks did not warrant a response action. See EPA and ATSDR reports in 1992.

d. The levels and areal extent of groundwater contamination appear to be diminishing.

Both the Proposed Plan and RI/FS state that the levels and areal extent of groundwater contamination appear to be diminishing. We therefore see no justification for extracting, treating and discharging the groundwater, given that the affected residences will soon be placed on the public water supply system.

e. Maximum Contaminant Levels ("MCLs") under the Safe Drinking Water Act should not be considered Applicable or Relevant and Appropriate Requirements ("ARARs") for groundwater at this Site.

MCLs are properly applied to drinking water under the Safe Drinking Water Act to protect users. Application of MCLs to groundwater at this Site is unwarranted, however, because the groundwater will not be used for drinking water, given that the affected residences will be connected to the local public water supply system. We understand that EPA is concerned about possible migration of contaminated groundwater to the public water supply wells down-gradient of the plume. However, the RI/FS shows that the contamination is receding and moving away from the public water supply wells. Furthermore, even if this trend were to reverse, the

contamination could be readily detected and treated down to MCLs at the public water station prior to distribution to users.

If EPA ultimately decides that MCLs are ARARs for groundwater at this Site, we request that, based on our comments, EPA waive this finding as provided for in the National Contingency Plan.

f. EPA has not properly determined the cost of the groundwater extraction, treatment and discharge system.

EPA estimates that the groundwater extraction, treatment and discharge system will cost approximately $7.5 million. We believe this figure is grossly underestimated. Moreover, the Proposed Plan states that Dense Non-Aqueous Phase Liquid ("DNAPL") may be present in the aquifer, that this presence has not been adequately determined, and that EPA will verify this presence during the remedial design after the Record of Decision is issued. The impact of a DNAPL on the overall cost and effectiveness of a groundwater extraction, treatment and discharge system is enormous. If a DNAPL is in fact present, the duration and cost of EPA's proposed system will skyrocket. Furthermore, the ultimate success of the system will be called into serious question.

Given that cost is one of 5 balancing criteria to be evaluated by EPA when selecting a Superfund remedy, it is arbitrary and unlawful for EPA to simply side-step this important DNAPL issue and defer its investigation until after the Record of Decision is issued. In addition, if a DNAPL is found in the aquifer, EPA's proposed groundwater extraction, treatment and discharge system may be rendered impracticable.

g. EPA's proposed groundwater extraction, treatment and discharge system may have adverse impacts upon the West Valley Creek, nearby wetlands, and the surrounding community.

EPA proposes to extract, treat and discharge to the West Valley Creek 300 gallons per minute of treated groundwater for up to 30 years. At the public meeting on June 29, 1995 regarding EPA's Proposed Plan, members of the community expressed great concern regarding harm to trout and other fish in the creek; flooding of nearby homes; erosian and sediment control problems; depletion of the aquifer and loss of subjaceant support; and noise and unsightliness generated by the project.

In addition, the U.S. Department of Interior has commented that the proposed project may dewater nearby wetlands and thereby cause harm to certain endangered or threatened species of wildlife. See February, 1995 letter from DOI to EPA.

h. EPA did not properly evaluate the 9 remedy selection criteria required by the National Contingency Plan.

The National Contingency Plan requires EPA to evaluate 9 remedy selection criteria when choosing one Superfund remedy over another. EPA has improperly evaluated these criteria as applied to the proposed groundwater extraction, treatment and discharge system. The proper evaluation is as follows:

Overall protection of human health and the environment: EPA's proposed groundwater extraction, treatment and discharge system will provide no greater protection of human health and the environment because the public water line will provide this protection. Moreover, the discharge of 300 gallons per minute of treated groundwater to the West Valley Creek may actually cause harm to the environment, particularly if the discharge fails to meet National Pollution Discharge Effluent Limitations under the Clean Water Act. In addition, the environment may be harmed if the proposed air stripping tower releases extracted chemicals in amounts above Clean Air Act standards.

Compliance with ARARs: EPA's proposed groundwater extraction, treatment and discharge system will provide no greater compliance with ARARs because the affected residences will be connected to the local public water supply. And, of course, MCLs will be met at the tap as with all public water supply systems.

Long-term effectiveness and permanence: EPA's proposed groundwater extraction, treatment and discharge system will provide no greater long-term effectiveness and permanence because the public water line will provide protection on a permanent basis.

Reduction of toxicity, mobility or volume: In a general sense, EPA's proposed groundwater extraction, treatment and discharge system may ultimately, over a period of 30 years or so, reduce the toxicity, mobility or volume of contaminated groundwater at the Site. However, the Proposed Plan and RI/FS state that the levels and areal extent of contamination already appear to be diminishing. Furthermore, the extraction of 300 gallons of

groundwater per minute may actually increase contamination by pulling contamination from neighboring aquifers in the area. Therefore, the derived benefit of groundwater extraction is questionable.

Short-term effectiveness: The proposed groundwater extraction, treatment and discharge system will provide no short-term effectiveness because it is a long-term 30 year project.

Implementability: The proposed groundwater extraction, treatment and discharge system will be much more difficult to implement than the provision of public water to the affected residences. In addition, if a DNAPL is found, the project may be rendered impracticable.

Cost: The estimated cost ($7.5 million) of the proposed groundwater extraction, treatment and discharge system has been grossly underestimated by EPA. Moreover; if a DNAPL is found to be present at the site, the cost will skyrocket. As pointed out above, EPA has not fully investigated and evaluated this enormous cost potential.

State Acceptance: The Proposed Plan indicates that the State has not accepted the proposed groundwater extraction, treatment and discharge system. The Proposed Plan goes on to state that this criterion will be addressed in the ROD. Deferral of evaluation of this criterion is arbitrary.

Community Acceptance: At the public meeting on June 29, 1995, several members of the local community expressed serious concerns regarding the proposed groundwater extraction, treatment and discharge system. These concerns included possible flooding of West Valley Creek; potential harm to trout populations in the creek; erosian and sediment control problems; depletion of the aquifer and loss of subjaceant support; and noise and unsightliness generated by the project.

i. <u>EPA's RI/FS is deficient in several key areas and seriously calls into question the lawfulness and credibility of the Proposed Plan.</u>

The RI/FS is flawed in several key respects. A few highlights include the failure to find the source of groundwater contamination, a multitude of bad data, a questionable risk

assessment, and many unjustified assumptions. Please refer to our consultants technical comments included herewith for a detailed discussion of key flaws in the RI/FS.

Thank you for considering these comments, and please feel free to contact us should you have any questions regarding same.

Very truly yours,

STEVENS & LEE

Steven E. Speece
David A. Garrison

DAG/slh
Enclosure

cc: Lewis R. Frame, Sr. (w/o enc.)
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